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PATENT APPLICATION
Attorney Docket No. CTI-49 DIV1
(17810-049)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Carpenter
ASSIGNEE : CytoTherapeutics, Inc.

Total No. of Pages 41
(without references)

Box PATENT APPLICATION
Commissioner of Patents and Trademarks
Washington, D.C. 20231

October 23, 1998
Boston, Massachusetts

jc549 U.S. PTO
09/178035
10/23/98

**REQUEST FOR DIVISIONAL PATENT APPLICATION
PURSUANT TO 37 C.F.R. 1.53(b)**

1. This is a request for a filing of a
 - continuation application
 - divisional applicationunder 37 C.F.R. 1.53(b) of nonprovisional patent application U.S.S.N. 08/926,313, filed on September 5, 1997, entitled:

HUMAN CNS NEURAL STEM CELLS

2. Specification (17 pages); Claims (2 pages); Abstract (1 page);
3. Drawings
 - Formal
 - Informal - Four (4) Pages
4. Declaration and Power of Attorney
 - Copy from prior application (3 pages)
 - Copy of Revocation by Assignee and new Power of Attorney from prior application (pages)
 - Newly executed (original or copy)
5. Information Disclosure Statement (IDS)
 - Copy of IDS (1 page) and PTO-1449 (4 page)
 - Copies of references cited
 - Copies of two Supplemental IDS and PTO 1449s (2 x 3 pages)

09/178035-1322

6. Amend the specification by inserting before the first line the sentence:

This application is a divisional application under 37 CFR §1.53(b) of U.S.S.N. 08/926,313 filed on September 5, 1997.

7. **Fee Calculation**

A. Regular application

Please cancel original claims 10-23 prior to calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$790.00
Total Claims (37 C.F.R. 1.16(c))	2	- 20 =		\$ 22.00	0
Independent Claims (37 C.F.R. 1.16(b))	1	- 3 =		\$ 82.00	0
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$270.00	0

Amendment canceling extra claims is enclosed.
 Amendment deleting multiple-dependencies is enclosed.
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 790.00

B. Design application
(\$330.00--37 C.F.R. 1.16(f))

Filing Fee Calculation \$ _____

C. Plant application
(\$540.00--37 C.F.R. 1.16(g))

Filing Fee Calculation \$ _____

8. **Small Entity Statement(s)**

Statement(s) that this is a filing by a small entity under 37 C.F.R. 1.9 and 1.27 is (are) attached.
 Status as a small entity was claimed in prior application 08/926,313, filed on September 5, 1997, from which benefit is being claimed for this application under:

35 U.S.C. 119(e),
 120,
 121,
 365(c),

and which status as a small entity is still proper and desired.

A copy of the statement (2 pages) in the prior application is included.

9. **Filing Fee Calculation**

(50% of A, B or C above) \$ 395.00

10. Fee Payment Being Made at This Time

Not Enclosed
 Enclosed

Filing fee \$ 395.00
 Recording assignment (\$40.00; 37 C.F.R. 1.21(h))
(See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION.") \$ _____

Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. 1.47 and 1.17(i)) \$ _____

Total fees enclosed \$ 395.00

11. Method of Payment of Fees

Check in the amount of \$ 395.00
 Charge Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is attached.

12. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0311.

37 C.F.R. 1.16(a), (f) or (g) (filing fees)
 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)
 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 37 C.F.R. 1.17(a)(1)-(5) (extension fees pursuant to §1.136(a))
 37 C.F.R. 1.17 (application processing fees)
 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

13. Instructions as to Overpayment

Credit Account No. 50-0311
 Refund

14. Other Documents Enclosed.

Applicant: Carpenter.
Request for Divisional Patent Application (37 C.F.R. §1.53(b))

- Associate Power of Attorney (1 page)
- Preliminary Amendment (2 pages)

Respectfully submitted,



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Dated: October 23, 1998

TRADOCs: 1142178.1 (_hb601!.doc)